

LEAVITT, KERSON & SEHATI
ATTORNEYS AT LAW

PAUL E. KERSON
MARC CRAWFORD LEAVITT
TALI B. SEHATI

118-35 Queens Boulevard
Suite 950
Forest Hills, New York 11375
(718) 793 – 8822

LUIS F. ECHEVERRIA
JOSEPH N. YAMANER
JOHN F. DUANE
JERRY CHRISAFIS
COUNSEL

BENJAMIN M. SHAW (1912-2002)

620 Fifth Avenue, 2nd Floor
New York, NY 10020
(212) 973 – 9339

Via ECF

November 14, 2023

Hon. Vera M. Scanlon
U.S. Magistrate Judge
U.S. District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Alessina, et al v. El Gauchito II, et al.*
Docket No: 1:21-cv-04537-ENV-VMS

Dear Magistrate Judge Scanlon:

Please be advised that we represent the Defendants in connection with the above-named case.

The Appellate Division, Second Department denied my clients' Motion to set aside the Settlement in a Decision and Order dated October 4, 2023 with a Notice of Entry dated October 16, 2023. A copy is enclosed for your file.

We have filed a Motion for permission to appeal to the New York State Court of Appeals in Albany, NY. We filed this Motion on November 8, 2023. It is returnable Monday December 4, 2023 or on any adjourned date selected by the New York State Court of Appeals.

Thus, under the circumstances, we would respectfully request a stay of the above named duplicative federal action. We conferred with counsel for Plaintiffs and they consent to the request to continue the stay. Best regards.

Sincerely,



Paul E. Kerson

PEK:gd

cc: Josef Nussbaum, Esq., Attorney for Plaintiffs
Mr. Mario Civelli, El Gauchito II Corp., Defendant
Mr. Marcello Civelli, El Gauchito II Corp., Defendant
Ms. Vanessa Civelli, El Gauchito II Corp., Defendant
Luis Echeverria, Esq., Co-counsel for El Gauchito II Corp.